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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-00775 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO FEBRUARY 7, 2012
v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	Date: January 24, 2012
aka Juan Lopez Gomez,)	Time: 10:00 a.m.
aka Manuel Vargas, and)	Court: Hon. Sandra Brown
GLENDY GOMEZ,)	Armstrong
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

The above-captioned matter is set on January 24, 2012 before this Court for status. The parties request that the Court continue the hearing to February 7, 2012 at 10:00 a.m. and that the Court exclude time under the Speedy Trial Act between January 19, 2012 and February 7, 2012.

The requested continuance will provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the

STIP. REQ. TO CONTINUE HEARING TO FEBRUARY 7, 2012 AND TO EXCLUDE TIME
No. CR-09-00775 SBA

1 continuance in order to review the discovery and the evidence, evaluate the plea agreement in
2 light of the discovery and the evidence, and to meet and confer with his client to discuss the
3 discovery and the evidence and to determine whether or not to prepare and file motions in this
4 case and/or to proceed to trial. Additionally, new lead counsel for the United States will be
5 taking over the prosecution of this matter. The requested continuance will allow new lead
6 counsel for the United States time to evaluate the evidence in this case, as well as the favorable
7 evidence provided by counsel for defendant Gomez. Although not relevant for purposes of the
8 requested time exclusion, the parties hope to reach plea agreements before February 7, 2012.
9 The extension is not sought for delay. The parties agree the ends of justice served by granting
10 the continuance outweigh the best interests of the public and the defendants in a speedy trial.
11 Therefore, the parties further stipulate and request that the Court exclude time between January
12 19, 2012 and February 7, 2012 under the Speedy Trial Act for effective preparation of counsel,
13 continuity of government counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).
14

15 DATED: January 18, 2012
16

17 _____/s/
18 JAMES C. MANN
19 Assistant United States Attorney
20 Counsel for United States

_____/s/
ERIK G. BABCOCK
Counsel for Defendant Juan Octaviano
Lopez

21 _____/s/
22 RANDALL G. KNOX
23 Counsel for Glendy Gomez
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25
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27
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UNITED STATES OF AMERICA,)	No. CR-09-00775 SBA
)	
Plaintiff,)	
)	
v.)	ORDER GRANTING STIPULATED
)	REQUEST TO CONTINUE HEARING
)	DATE TO FEBRUARY 7, 2012 AND TO
)	EXCLUDE TIME UNDER THE SPEEDY
JUAN OCTAVIANO LOPEZ,)	TRIAL ACT
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	Date: January 24, 2012
GLENDY GOMEZ,)	Time: 10:00 a.m.
aka Glendy Elizabeth Gomez,)	Court: Hon. Sandra Brown
)	Armstrong
)	
)	
Defendants.)	
)	

The requested continuance will provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the continuance in order to review the discovery and the evidence, evaluate the plea agreement in light of the discovery and the evidence, and to meet and confer with his client to discuss the

1 discovery and the evidence and to determine whether or not to prepare and file motions in this
2 case and/or to proceed to trial. Additionally, new lead counsel for the United States will be
3 taking over the prosecution of this matter. The requested continuance will allow new lead
4 counsel for the United States time to evaluate the evidence in this case, as well as the favorable
5 evidence provided by counsel for defendant Gomez. Although not relevant for purposes of the
6 requested time exclusion, the parties hope to reach plea agreements before February 7, 2012.
7 The parties agreed that the extension is not sought for delay. The parties further agreed the ends
8 of justice served by granting the continuance outweigh the best interests of the public and the
9 defendant in a speedy trial.

10 For these stated reasons, the Court finds that the ends of justice served by granting the
11 continuance outweigh the best interests of the public and the defendant in a speedy trial. Good
12 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

13 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from January
14 24, 2012 to February 7, 2012 at 10:00 a.m. before this Court, and that time between January 19,
15 2012 and February 7, 2012 is excluded under the Speedy Trial Act to allow for the effective
16 preparation of defense counsel, taking into account the exercise of due diligence.

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18 DATED: 1/23/12


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge